

REMARKS

Three amendments have been made:

1) An unnecessary “and” has been deleted from the claims.

2) The phrase “pre-formed” in “pre-formed weighted material” has been deleted because the Office found it did not further limit “weighted material.” Specifically, the term “pre-formed” was introduced in the December 9, 2008 response, and Applicant argued on page 4 of that response that it distinguished wet concrete (see section on page 4 regarding Crossen and Bartlett, Jr.). The Examiner disagreed on page 5 of the subsequent February 8, 2009 Office Action (last paragraph). Applicant argued again on page 6 of the subsequent May 13, 2009 response that “pre-formed” weighted material distinguished wet concrete (see first full paragraph), and on page 13 argued that it distinguished sand and distinguished water as well (see first full paragraph). In the subsequent July 8, 2009 Office Action, the Examiner contended that “pre-formed” weighted material covered water on pages 4-5 (sentence spanning those pages) and 6 (first full paragraph) and 8, sand on page 8, and wet concrete on page 9 (the Office termed blocks 19 of Faucillon as simply “concrete,” but Applicant explained on pages 11-12 of the subsequent August 26, 2009 response that those blocks are poured as wet concrete). In the November 12, 2009 final Office Action, the Examiner again contended that “pre-formed” weighted material covered water on pages 4 and 6 (discussing Pruitt), sand on page 8, and wet concrete on page 13 (near bottom of page).

3) The term “closed” from “closed bottom” has been deleted because it was not needed to distinguish any of the prior art of record. The term “closed” was added to “bottom” in the August 26, 2009 response. Applicant pointed that the “closed” bottom distinguished Griswold on page 3 and Jalbert on page 4 of that response. Applicant also pointed out that the “closed”

bottom distinguished Faucillon's bottom on page 10 of that response. However, in the subsequent November 12, 2009 final Office Action, the Examiner indicated that "the Faucillon patent was not relied upon for its disclosure of how its bottom is configured" (page 13), and that the "closed" bottom failed to distinguish Jalbert (page 9). The Examiner also indicated in the November 12, 2009 final Office Action that he agreed with Applicant's arguments concerning Griswold, but Applicant had also distinguished Griswold on the ground that Griswold lacked the claimed sidewall with a doorway (see page 3 of August 26, 2009 response). That sidewall distinction over Griswold is even more clear given the amendment in the February 12, 2010 response specifying the "sidewall with a doorway that leads to the interior." Finally, the Examiner's statement of reasons for allowance does not mention the "closed" bottom.

The Examiner is invited to conduct Applicant's representative with any questions.

Respectfully submitted,

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